

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 57

# HOUSE BILL 2192

AN ACT

AMENDING SECTIONS 32-1234 AND 32-1292, ARIZONA REVISED STATUTES; RELATING TO  
THE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1234, Arizona Revised Statutes, is amended to  
3 read:

4 32-1234. Dental consultant license

5 A. A person may apply for a dental consultant license if the applicant  
6 demonstrates to the board's satisfaction that the applicant:

7 1. Has continuously held a license to practice dentistry for at least  
8 twenty-five years issued by one or more states or territories of the United  
9 States or the District of Columbia, but is not currently licensed to practice  
10 dentistry in Arizona.

11 2. Is of good moral character.

12 3. Has not had a license to practice dentistry revoked by a dental  
13 regulatory board in another jurisdiction in the United States for an act that  
14 occurred in that jurisdiction AND that constitutes unprofessional conduct  
15 pursuant to this chapter.

16 4. Is not currently under suspension or restriction by a dental  
17 regulatory board in another jurisdiction in the United States for an act that  
18 occurred in that jurisdiction AND that constitutes unprofessional conduct  
19 pursuant to this chapter.

20 5. Has not surrendered, relinquished or given up a license to practice  
21 dentistry in lieu of disciplinary action by a dental regulatory board in  
22 another jurisdiction in the United States for an act that occurred in that  
23 jurisdiction AND that constitutes unprofessional conduct pursuant to this  
24 chapter.

25 6. Meets the applicable requirements of section 32-1232.

26 7. Meets the requirements of section 32-1233, paragraphs 1 and 3. IF  
27 AN APPLICANT HAS TAKEN A STATE WRITTEN THEORY EXAMINATION INSTEAD OF PARTS  
28 I AND II OF THE NATIONAL DENTAL BOARD EXAMINATIONS, THE APPLICANT MUST  
29 PROVIDE THE BOARD WITH OFFICIAL DOCUMENTATION OF PASSING THE WRITTEN THEORY  
30 EXAMINATIONS IN THE STATE WHERE THE APPLICANT HOLDS A CURRENT LICENSE. THE  
31 BOARD SHALL THEN DETERMINE THE APPLICANT'S ELIGIBILITY FOR A LICENSE PURSUANT  
32 TO THIS SECTION.

33 8. Meets the application requirements as prescribed in rule by the  
34 board.

35 B. The board shall suspend an application for a dental consultant  
36 license if the applicant is currently under investigation by a dental  
37 regulatory board in another jurisdiction in the United States. The board  
38 shall not issue or deny a license to the applicant until the investigation  
39 is resolved.

40 C. A person to whom a dental consultant license is issued shall  
41 practice dentistry only in the course of the person's employment or on behalf  
42 of an entity licensed under title 20 with the practice limited to supervising  
43 or conducting utilization review or other claims or case management activity  
44 on behalf of the entity licensed pursuant to title 20. A person who holds  
45 a dental consultant license is prohibited from providing direct patient care.

1 D. This section shall not be deemed to require a person to apply for  
2 or hold a dental consultant license in order for that person to serve as a  
3 consultant to or engage in claims review activity for an entity licensed  
4 pursuant to title 20.

5 E. Except as provided in subsection B of this section, a dental  
6 consultant licensee is subject to all of the provisions of this chapter that  
7 are applicable to licensed dentists.

8 Sec. 2. Section 32-1292, Arizona Revised Statutes, is amended to read:  
9 32-1292. Restricted permits; expiration; renewal

10 A. The board may issue a restricted permit to practice dental hygiene  
11 to an applicant who: ~~meets the requirements of this section.~~

12 1. HAS A PENDING CONTRACT WITH A RECOGNIZED CHARITABLE DENTAL CLINIC  
13 OR ORGANIZATION THAT OFFERS DENTAL HYGIENE SERVICES WITHOUT COMPENSATION OR  
14 AT A RATE THAT REIMBURSES THE CLINIC ONLY FOR DENTAL SUPPLIES AND OVERHEAD  
15 COSTS AND THE APPLICANT WILL NOT RECEIVE COMPENSATION FOR DENTAL HYGIENE  
16 SERVICES PROVIDED AT THE CLINIC OR ORGANIZATION.

17 2. HAS A LICENSE TO PRACTICE DENTAL HYGIENE ISSUED BY A REGULATORY  
18 JURISDICTION IN THE UNITED STATES.

19 3. HAS BEEN ACTIVELY ENGAGED IN THE PRACTICE OF DENTAL HYGIENE FOR  
20 THREE YEARS IMMEDIATELY PRECEDING THE APPLICATION.

21 4. IS, TO THE BOARD'S SATISFACTION, COMPETENT TO PRACTICE DENTAL  
22 HYGIENE.

23 5. MEETS THE REQUIREMENTS OF SECTION 32-1284, SUBSECTION A THAT DO NOT  
24 RELATE TO EXAMINATION.

25 B. A person who holds a restricted permit issued by the board may  
26 practice dental hygiene only in the course of the person's employment by a  
27 recognized charitable dental clinic or organization approved by the board.

28 C. The applicant for a restricted permit must file a copy of the  
29 person's employment contract with the board that includes a statement signed  
30 by the applicant that the applicant:

31 1. Understands that if that person's employment is terminated before  
32 the restricted permit expires, the permit is automatically revoked and that  
33 person must voluntarily surrender the permit to the board and is no longer  
34 eligible to practice unless that person meets the requirements of sections  
35 32-1284 and 32-1285 or passes the examination required in this article.

36 2. Must be employed without compensation by a dental clinic or  
37 organization that is operated for a charitable purpose.

38 3. Is subject to the provisions of this chapter that apply to the  
39 regulation of dental hygienists.

40 D. The board may deny an application for a restricted permit if the  
41 applicant has:

42 1. Committed an act that is a cause for disciplinary action pursuant  
43 to this chapter.

- 1           2. While unlicensed, committed or aided and abetted the commission of
- 2 any act for which a license is required pursuant to this chapter.
- 3           3. Knowingly made a false statement in the application.
- 4           E. A RESTRICTED PERMIT EXPIRES EITHER ONE YEAR FROM THE DATE OF ISSUE
- 5 OR JUNE 30, WHICHEVER DATE FIRST OCCURS. THE BOARD MAY RENEW A RESTRICTED
- 6 PERMIT FOR TERMS THAT DO NOT EXCEED ONE YEAR.

APPROVED BY THE GOVERNOR APRIL, 14, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2003.

Passed the House February 18, 2003

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate April 8, 2003

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Blumenthal  
President of the Senate

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9 day of April, 2003

at 2:30 o'clock P M.

Sandra Ramirez  
Secretary to the Governor

Approved this 14 day of

April, 2003,

at 9<sup>00</sup> o'clock A. M.

Jt. Ryle  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of April, 2003

at 12:55 o'clock A M.

Janice K. Brewer  
Secretary of State